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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,739	12/15/1999	Josef Otto Rettenmaier	017309/0172	3016

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EXAMINER
DOUYON, LORNA M

ART UNIT	PAPER NUMBER
1751	21

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/380,739	RETTENMAIER ET AL.	
	Examiner	Art Unit	
	Lorna M. Douyon	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/-15/99 and 07/24/2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,11-27* is/are rejected.

7)☒ Claim(s) *8-10* is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)
16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

Specification

1. The disclosure is objected to because of the following informalities:

On page 1, line 5 and page 4, line 4, reference is made to "Claim 1", however, it is not certain whether the limitations of the present claim 1 would be maintained throughout the prosecution of this application. Hence, it is suggested that the limitations of claim 1 be physically incorporated into the specification.

On page **8**, lines 4, 8, 11, 17 and 22; page **9**, lines 2, 5, 12, 14 and 24; page **10**, lines 2, 10, and 11, and page **11**, line 9, references to the claims have also been recited. It is suggested that these claims be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 16-27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 16, line 1, the phrase "cleaning composition" is nowhere supported in the specification and is therefore considered as new matter. In claims 19 and 20, line 2, for both, the phrase "derived wood" is nowhere supported in the specification. It is suggested that this term be deleted.

4. Claims 2, 15, 19, 23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, lines 3-4, the phrase "the cellulose starting material" lacks support with respect to claim 1. In addition, the phrase "preferably" (see line 4) renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 15, the phrase "preferably" (see line 3) renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The dependencies of claims 19, 23 and 25 are incorrect. Claim 23 should depend from claim 22 to provide support for "the surfactant coating" in line 1. In addition, in claim 19, the phrase "the mechanical wood pulp" in line 1 lacks antecedent basis in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 16-17, 21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Boeck et al. (DE 2321693), hereinafter "Boeck".

Boeck teaches tablets, useful with laundry detergents, prepared from a mixture of a fluorescent whitener 11.6, potato starch 80.85, cellulose fibers (0.4 mm) 5.0, Mg stearate 0.45, Aerosil 0.6, and Na lauryl sulfate 1.5% (see abstract, page 9, line 1+). Boeck teaches the limitations of the instant claims. Hence, Boeck anticipates the claims.

7. Claims 16-17, 21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 62197497, hereinafter "JP '497".

JP '497 teaches a tabletted detergent which contains 5-40 wt% anionic surfactant, 0.1-5 wt% quat. N-containing cellulose ether powder containing at least 70% of particle size fraction passing through 30 mesh (600 microns) sieve and chloride containing cation wherein the detergent is preferably used for cleaning fabric in washing machines (see abstract). JP '497, teaches the limitations of the intant claims. Hence, JP '497 anticipates the claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1-7, 11-17, 19-21 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry et al. (US Patent No. 5,360,567), hereinafter "Fry".

Fry teaches a tablet of compacted particulate detergent composition comprising from 2% to 50% by weight of the composition of a detergent active compound, from 20% to 80% by weight of the composition of a detergency builder comprising alkali metal aluminosilicates characterized in that the tablet, or a discrete region thereof, consists essentially of a matrix of

particles at least 90 wt% of which have a particle size within a range having upper and lower limits each lying within the range from 200 to 2000 μm and differing from each other by not more than 700 μm wherein not more than 5 wt% of said particles should be larger than the upper limit and not more than 5 wt% of said particles should be smaller than the lower limit (see claim 1). Fry also teaches that the matrix particles before compaction are coated with a binder which is also capable of acting as disintegrant by disrupting the structure of the tablet when the tablet is immersed in water and especially preferred are physical disintegrants that act by swelling such as celluloses, cellulose derivatives and microcrystalline cellulosic fibers (see col. 5, line 43 to col. 6, line 5) and the binder/disintegrant may be introduced by dry mixing (see col. 6, lines 27-29), at a level of 3-5 wt% (see page 11, lines 65-68). Fry also teaches that the starting particulate composition may suitably have a bulk density of at least 400 g/liter, preferably at least 500 g/liter and advantageously at least 700 g/liter. Fry also teaches that detergent tablets are prepared by compaction of the detergent powder formulations at compaction pressures sufficient to produce a diametral fracture stress of at least 5 kPa (see col. 12, lines 17-22). Fry, however, fails to disclose (1) the particle size of the cellulose and (2) the cellulose being thermo-mechanical pulp or chemo-thermo-mechanical pulp.

With respect to difference (1), it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the particle size of the cellulose of Fry to be within the range from 200 to 2000 μm because Fry specifically desires the matrix of the particles of the composition to have a particle within this range.

With respect to difference (2), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected thermo-mechanical pulp or chemo-thermo-mechanical pulp as the specific cellulose because Fry specifically disclose the binder/disintegrant to be celluloses or cellulose derivatives and said pulps are specific cellulose derivatives.

Allowable Subject Matter

10. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The declaration under 37 CFR 1.132 filed on July 24, 2001 is insufficient to overcome the rejection of record because it is not commensurate in scope with the claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are considered cumulative to or less material than those discussed above.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 305-3599 - for Official After Final faxes
(703) 305-7718 - for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

Lorna M. Douyon
Primary Examiner
Art Unit 1751

February 4, 2002